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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,649	05/27/2005	Takayuki Mizuno	14321.75	2202
22913	7590	07/12/2007	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			MOONEY, MICHAEL P	
ART UNIT		PAPER NUMBER		
2883				
MAIL DATE		DELIVERY MODE		
07/12/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/536,649	MIZUNO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael P. Mooney	2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on 4-11-07, TPA

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-104 is/are pending in the application. 43-84, 86, 88, 90, 92, 94, 96, 98, 100, 102, + 104 *MPM*

4a) Of the above claim(s) 1 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed. and 103 *MPM*

6)  Claim(s) 7, 13, 85, 87, 89, 91, 93, 95, 99 and 101 is/are rejected.

7)  Claim(s) 2-6, 8-12, 14-42 and 97 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/26/06.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of claims 1-42, 85, 87, 89, 91, 93, 95, 97, 99, 101, and 103 in the reply filed on 4/11/07 is acknowledged.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 7, 13, 85, 87, 89, 91, 93, 95, 99, 101, 103 are rejected under 35 U.S.C. 102(e) as being anticipated by Takiguchi et al. (20050169630).**

Takiguchi et al. teaches an interferometer optical switch comprising an optical waveguide circuit including: a first optical multi/demultiplexing device (e.g., fig. 1 #2; fig. 11); an optical delay line (e.g., fig. 1 #4-1 to 4-N; fig. 11 # 50-1) including two optical waveguides connected to said first optical multi/demultiplexing device (e.g., fig. 11); a second optical multi/demultiplexing device connected to said optical delay line (e.g., AWG2 in fig. 11); one or more input waveguides connected to said first optical multi/demultiplexing device (e.g., AWG1 in fig. 11); one or more output waveguides connected to said second optical multi/demultiplexing device (e.g., AWG2 in fig. 11);

and a phase shifter installed in said optical delay line (paragraph 0064), and wherein at least one of said first optical multi/demultiplexing device AWG1 and said second optical multi/demultiplexing device AWG2 is a phase generating coupler, which produces a wavelength-dependent phase difference (fig. 11; paragraph 0067).

Thus claim 1 is met.

Regarding claims 7, 13, 85, 87, 89, 91, 93, 95, 99, 101, 103 each and every element of each of these said claims is taught by the embodiments/references of Takiguchi et al. associated with the above rejection of claim 1. Thus claims 7, 13, 85, 87, 89, 91, 93, 95, 99, 101, 103 are met.

#### ***Allowable Subject Matter***

Claims 2-6, 8-12, 14-42, 97 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art, either alone or in combination, does not disclose or render obvious the specified parameters/components defined in each individual claim 2-6, 8-12, 14-42, or 97 in combination with the rest of limitations in each corresponding respective claim.

It is noted that each individual claim 2-6, 8-12, 14-42, or 97 is allowable because the unique combination of each and every specific element stated in the respective claim.

***Conclusion***

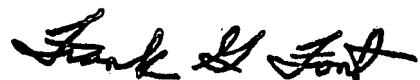
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael P. Mooney  
Examiner  
Art Unit 2883



Frank G. Font  
Supervisory Patent Examiner  
Art Unit 2883

FGF/mpm  
7/9/07